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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/197,080	11/20/1998	GALEN C. HUNT	3382-51187	9889

26119 7590 12/14/2004

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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/197,080

Applicant(s)

HUNT, GALEN C.

Examiner

Ashok B. Patel

Art Unit

2154

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

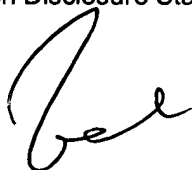
NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 20-45.Claim(s) objected to: 16-18.Claim(s) rejected: 1-15 and 19.Claim(s) withdrawn from consideration: 46-60.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
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A. Continuation of 5. does NOT place the application in condition for allowance because: the prior art still renders the claims unpatentable and the final rejection is deemed proper.

B. Applicant's arguments filed 10/ 21/ 2004 been fully considered but they are not persuasive.

1. Applicant argues (1) the Examiner has incorrectly combined features from separate systems into a single reference labeled AAPA". The Examiner disagrees in response to applicant's arguments. AAPA stands for applicant's admitted prior art, which is used as a single reference for the well-known prior art concept prodded by the applicant. Rejected claims under AAPA are not limited to any one single system hence the well-known concept admitted by the applicant in the disclosure, i.e., AAPA, is used as a single primary reference for the rejection of the claims. Therefore Examiner believes that the concept provided by the AAPA is indeed proper rejection under 102(b).

2. Applicant argues (2) Examiner did not rejected claims 1-15 and 19 under 35 USC 103 and has not provided a motivation to combine features from the different systems described in the background of the present application. However, the Examiner has apparently combined features from the different systems to reject claim 1." The Examiner disagrees in response to applicant's arguments AAPA stands for applicant's admitted prior art, which is used as a single reference for the well-known prior art concept provided by the applicant. Rejected claims under AAPA are not limited to any one single system hence the well-known concept admitted by the applicant in the disclosure, i.e., AAPA, is used as a single primary reference for the rejection of the claims. Therefore examiner believes that the concept provided by the AAPA is indeed proper rejection under 102(b).

3. Applicant argues (3) "ICOPS, CAGES, and IDAP, taken separately or in combination, do not teach or suggest the above-cited language of claim 1. . . ., as recited in claim 1". The Examiner disagrees in response to applicant's arguments. AAPA stands for applicant's admitted prior art, which is used as a single reference for the well-known prior art concept provided by the applicant. Rejected claim 1 under AAPA is not limited to any one single system, hence the well-known concept admitted by the applicant in the disclosure, i.e., AAPA, is used as a single primary reference for the rejection of the claims. Therefore Examiner believes that the concept provided by the AAPA is indeed proper rejection for claim 1 .

4. Applicant argues (4) the examiner may be modifying the ICOPS, IDAP, or CAGE system with some feature of DCOM, CORRA, o another technology to create a system with generating a structural metadata description from a type file." Such modification would be improper.....system." The Examiner disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies ( the Examiner may be modifying the ICOPS, IDAP, or CAGE system with some feature of DCOM, CORRA, or another technology to create a system with ....file, . . . , it would change the principal of operation of the ICOPS, IDAP, or CAGES system") are not recited in the rejected claims). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Va Genus*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore the rejection is maintained as disclosed above.